

United States Department of Justice
Executive Office for Immigration Review
New York, New York

In the Matter of

SINGH, Jaswinder
Respondent


DETAINED
A94 816 651
Motion to Change Venue

On May 8, 2009, the Department of Homeland Security moved to change venue from New York, New York to Newark, New Jersey on the grounds that the respondent is detained in New Jersey and bond has been denied by an Immigration Judge. (A previous DHS motion dated April 2, 2009 was denied orally by this Court on April 8, 2009, as the respondent was scheduled for a bond hearing the next day and the expectation was that he would be bonded out.) On May 18, 2009, this Court granted the motion. On May 21, 2009, counsel for the respondent filed an opposition to the motion to change venue. Because this timely filed opposition was not considered before the motion to change venue was granted, this Court will reconsider the motion to change venue, taking into account the opposition now.

The respondent is apparently a teenager and has a derivative asylum claim through his mother, Lakhwinder Kaur (A94 816 650), who is in proceedings before the undersigned. The respondent's mother and sibling are scheduled to appear before this Court for a Master Calendar hearing on July 7, 2009.

As the respondent is detained in another jurisdiction, proper jurisdiction for his case lies with the jurisdiction in which he is detained. If he remains detained in New Jersey, his derivative asylum claim must proceed there. Counsel for the respondent can request a change of venue to Newark, N.J. for the respondent's mother and sibling, to join the cases, or request this Court to expedite the asylum hearings for the respondent's mother and sibling.

The Court affirms the grant of the motion to change venue to Newark, N.J.


Terry A. Bain
Immigration Judge

May 28, 2009